

Election Procedures Review
Of
Island County
State of Washington
2006 Special Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program

Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Island County during the May 2006 Special Election cycle. Amber Cervantes, Program Specialist, represented the Election Certification and Training Program during the review. Suzanne Sinclair, Island County Auditor, and LoAnn Gulick, Elections Supervisor, participated on behalf of the Island County Auditor's Office.

Island County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Island County Auditor's Office approached the review in a spirit of cooperation. The State commends the Island County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Island County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Island County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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Section 1

Overview and Recommendations

During the course of this review, several county processes and procedures were either observed or reviewed, including pre-election procedures, Election Day procedures, polling place procedures, post-election procedures, canvassing, reconciling, and certification procedures. Comments regarding some of these observations are noted here and recommendations follow these observations.

Outstanding teamwork was demonstrated by the election staff in Island County. This is a crucial element in any office, but becomes even more important when the number of office staff is so limited.

The Island County elections department could greatly benefit from additional staff. Several of the recommendations made in the following report could be remedied by adding additional staff persons.

Election staff persons maintain a detailed tracking and reconciliation system for mail ballots that enables the ballots to be accounted for at each step of the process from the time of receipt through the scanning and counting processes.

Developing an updated and comprehensive poll worker manual would be a considerable asset to both the Auditor's Office and the poll workers on Election Day.

Some of the recommendations in this report require relatively minor changes in the county's procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The following recommendations and suggestions will improve and enhance the county's election procedures and policies.

Review Recommendations

Retention of Inner Security Envelopes

Island County election staff previously discarded inner security envelopes after verifying that they were empty by looking through the punched holes. At the suggestion of the reviewer, they immediately implemented the practice of retaining the security envelopes for the same length of time required to retain the outer envelopes.

The General Records Retention Schedule and Records Management Guidelines requires that absentee ballots and security envelopes, including special and vote by mail ballots, be retained for 22 months for federal elections and 60 days for non-federal elections.

Recommendation: Island County election staff must continue to retain the security envelopes in addition to the outer envelopes.

Precinct Boundaries

Not all precincts in Island County are compact and contiguous. For example, Swantown precinct is broken into two completely separate pieces. There are also several precincts which follow section, township, and range lines rather than visible features.

RCW 29A.16.050: “(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas. (3)...changes to the boundaries of any precinct shall follow visible, physical feature delineated on the most current maps provided by the United States census bureau...”

Recommendation: The next time changes are made to Island County precincts, visible features should be used to draw precinct boundary lines rather than section, township, and range lines. In addition, as soon as possible, Swantown precinct must be made compact and contiguous. This may mean creating a new precinct for the portion of Swantown precinct that is separate from the rest of the precinct.

Absentee Ballot Materials

The outer mailing envelope used by the Island County elections department for absentee ballots indicates on the envelope that the ballot contained within the envelope is forwardable and that the office would like to use the Post Office’s program for Address Service Requested. However, the instructions provided to voters along with the ballot do not contain the required statement for forwardable ballots.

RCW 29A.40.091: “...If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor...”

WAC 434-250-070: “If the county auditor chooses to forward absentee ballots, as authorized by RCW 29A.40.091, the auditor must include with the ballot an explanation that is substantially similar to the following: For each jurisdiction listed on the ballot, you must reside in the

jurisdiction in order to vote for that office or issue. If you have any questions about your eligibility to vote in this election, please contact your county auditor...

Recommendation: If the Island County elections department continues to forward absentee ballots, the required statement regarding voter eligibility must be included with the ballot materials.

Logic and Accuracy Testing

Upon request for the logic and accuracy test results, the reviewer was provided a copy of a print out from the voter tabulation system. The report indicated that a total of eight ballots were scanned and accepted for the test. The May election involved more than 30 precincts. The results from the logic and accuracy test indicate that neither a thorough nor a complete test was conducted.

WAC 434-335-340: "...The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test must be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office that has two or more candidates and for each measure, the test must include an undervote and an overvote."

Recommendation: Island County elections staff should ensure that adequate test decks are created. Further training regarding logic and accuracy tests may be needed from the system vendor. All precincts, candidates, and measures must be tested. The Office of the Secretary of State recently adopted administrative rules in WAC Chapter 434-335 that define the particular marking patterns to use when creating a test deck.

Canvassing Board

The Island County Canvassing Board met to review ballots in which the voter's intent was not clear to election staff. A voter did not follow the provided instructions for correcting a vote. The County Canvassing Board's Manual said that the Board was to reject any vote for which a voter does not follow the instructions for correcting a vote. However, two of the three members voted to accept the ballot.

RCW 29A.60.140 (4) "The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction."

Recommendation: The members of the County Canvassing Board should follow the policies and procedures defined in Canvassing Board's Manual. If the members of the County Canvassing Board have changed their minds as to the policy of the Board, the manual should be updated to reflect this change. This will provide consistency between elections and provide documentation as to the Board's current policies and procedures.

Ballot Security

A) The Island County elections department has a room to the side of the main elections counter that stores the vote tabulating equipment, ballots, and a myriad of other items. Although the door has a lock and only election staff persons have a key to the lock, the door remains open during the day. Individual trays and tubs of ballots are left unsecured in the room each day. One

mobile ballot box (MBB) is used from the time that ballots begin returning up until the count on election night. The MBB is left in the computer, unsecured during this entire time.

B) To the side of the elections department work counter and outside the door of the storage/work room is a cabinet with trays of ballots still in their envelopes. This cabinet was also left unlocked during the day and did not have a seal or a log.

C) The Island County elections department provides a ballot drop-off box that is located inside the door to the office. Because of the staff shortage in the elections department, there are times when both elections staff must be in the back room to process ballots and the ballot box is then left unattended.

D) Extra staff persons are hired to open the received mail ballots in Island County. The openers use a room down the hall from the elections department to open the ballot envelopes. Only one person transports the trays of ballots between the opening room and the office. The trays of ballots are not secured.

E) The Island County elections department attempts to have two people present at all times while scanning and resolving ballots in the back storage/work room. Because the office is short staffed, there are times when one staff person is called away to assist a customer at the front counter.

RCW 29A.40.110(2): "All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election."

WAC 434-250-110(2): "...Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel..."

WAC 434-261-102 was filed as a permanent rule for adoption on May 10, 2006 and became effective June 10, 2006. "In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution."

Recommendations: A) Island County election staff members need to individually seal and maintain a seal log documenting access to all ballots, including trays and tubs, and mobile ballot boxes in the storage/work room. The mobile ballot box must be removed from the computer and sealed with a numbered seal each time the MBB is not in direct use. All ballots must be secured in a manner that will allow a person to detect unauthorized access.

B) The cabinet outside of the storage/work room needs to be sealed and documented in a manner that will detect unauthorized access.

C) The ballot drop-off box located in the elections office needs to be better secured or staff must be present at all times. WAC 434-250-100 establishes the requirements for staffed and unstaffed deposit sites. This will ensure that a person cannot tamper with, nor remove the ballot box while elections staff are in the back room processing ballots.

D) When ballots are being transported between rooms where a line of sight is not visible, the ballots need to either be sealed if being transported by a single person or if unsealed, the ballots must be accompanied by at least two staff persons.

E) There should be two people present at all times when ballots are being processed, including scanning and resolving. The Island County elections department would greatly benefit from additional staff in order to meet this recommendation.

Application Forms

All elections related forms required by statute were not readily available. For example, when asked for sample forms of a hospital ballot application and a special absentee ballot application, elections staff indicated that those specific forms were not available and that if a request by a voter was received for one of the forms in question, the staff would cross off the title of the Ongoing Absentee Ballot Application Form and write-in the new applicable title. Unfortunately, the regular absentee form does not meet all of the requirements that some of the other forms require.

WAC 434-250-030(4) states, “As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter’s absentee ballot and deliver it to the voter and return it to the county auditor’s office.”

RCW 29A.40.050(1) states, “As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular absentee ballot ...”

WAC 434-250-030(3) requires, “... each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section the form must include: (a) A space for an out-of-state, overseas, or service voter not registered to vote in Washington to indicate his or her last residential address in Washington; (b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible; and (c) The declaration required in WAC 434-250-050.”

WAC 434-250-030(2) requires, “(a) A space for the voter to print his or her name and the address at which he or she is registered to vote; (b) The address to which the ballot is to be mailed; (c) a space for the voter to sign and date the application.”

Recommendation: The Auditor’s Office must create application forms for a voter to request and receive a hospital absentee ballot and a special absentee ballot. The form for a voter to request a special absentee ballot must include all of the required pieces of information cited above. In addition, Auditor’s staff should develop detailed procedures regarding the issuance of special absentee ballots, instructions for such, and how to process the ballots when the voter also returns a regular ballot.

Poll Sites

A) Four poll sites were visited on Election Day. There was not a visible voting instructions sign in 16 point font at any of the four visited locations. There was not a visible HAVA poster at two of the four visited locations. At one of the sites that did display the HAVA poster, it was in a place that was not very prominent or visible to voters.

B) At two sites, poll workers were observed not requesting identification from voters they knew.

C) Two poll sites should be reviewed to ensure accessibility. The door to the entrance of Monroe Landing poll site had a round knob, was heavy, and swung outwards, which could create difficulties for some voters. The middle school door to the library was another possible concern.

D) After the time of closing, the poll workers did not render the unvoted ballots unusable before bringing out the voted ballots. The workers stacked up all of the unvoted ballots onto a table and then proceeded to sort the voted ballots by precinct on the same table as the unvoted ballots were stacked. The poll worker instructions indicated that the unused ballots were to go into the tub that was used as the voted ballot box, which meant that the poll workers could not have physically sealed the unused ballots before opening the voted ballots.

E) The Island County Auditor's Office does not employ the use of a HAVA free access system for provisional ballots. After an election, a letter is sent to the voter providing information about the disposition of the ballot. However, nothing is provided to the voter at the time of voting the provisional ballot to inform the voter how to learn of the disposition of the ballot.

WAC 434-257-130: "Each county auditor shall conspicuously display voting instructions, printed in at least 16-point type, at each polling place."

WAC 434-253-025: "The following items must be posted or displayed at each polling place while it is open: ... (2) HAVA voter information poster; (3) Voting instructions printed in at least 16 point bold type; ..."

RCW 29A.44.205: "Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book..."

RCW 29A.16.010: "The intent of this chapter is to requires state and local election officials to designate and use polling places and disability access voting locations in all elections and permanent registration locations which are accessible to elderly and disabled persons."

WAC 434-257-020: "(1) 'Accessible' means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting."

RCW 29A.44.270: "At each precinct immediately after the last qualified voter has cast his or her vote, the precinct election officers shall render unusable and secure in a container all unused ballots for that precinct and return them to the county auditor."

RCW 29A.44.280: "Immediately after the unused ballots are secure, the precinct election officers shall count the number of voted ballots..."

RCW 29A.44.207: "...The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted."

Recommendations: A) The Auditor's Office must ensure that a HAVA poster and voting instructions in at least 16 point font are displayed at each poll site.

B) Elections staff persons must continue to stress to the poll workers during training the importance of requiring identification for all voters, including those known to them.

C) Poll sites should be reviewed to ensure that all sites are accessible. If the poll site is found to be inaccessible, it must be listed in the notice of an inaccessible poll site.

D) The Island County Auditor's Office staff must ensure that poll workers are supplied with two separate containers: one for voted ballots and one for unvoted ballots. Poll workers must render all unvoted ballots unusable after the closing of the polls.

E) A free access system that provides voters, at the time of voting a provisional ballot, written information as to how to find out whether the ballot was counted, must be developed and implemented in Island County.

Various Notices

A) Island County staff notifies a candidate verbally, at the time of filing, that if no more than one person files for the office, there will be no primary. However, the statute indicates that after it is determined that there will be no primary, the affected candidates need to be notified.

B) The confirmation notice does not inform the voter that failing to respond to the notice and failing to vote in two federal elections will cause his or her voter registration to be cancelled.

C) The Island County Auditor's Office provided a detailed manual for observers. However, a letter to the political parties requesting observers for each of the various phases of the election was not sent.

D) A notice announcing the date, time, and location of the logic and accuracy test was not created nor published. Island County election staff indicated that a notice is only published for logic and accuracy tests conducted for primary and general elections.

E) Island County elections staff did not mail the required questionnaires to cities, towns and districts prior to May 1, 2006 as required by law. Elections staff provided the reviewer with a copy from 2005.

RCW 29A.52.220(1): "The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot..."

RCW 29A.08.635: "The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be cancelled."

RCW 29A.40.100: "County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots..."

WAC 434-250-110(1): "Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots."

WAC 434-335-360: "The county must notify the parties, press, public, and candidates of the date and time of the test."

WAC 434-215-005: "Prior to May 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.320 and 29A 04.330..."

Recommendations: A) Island County must develop a method to notify affected candidates that there will be no primary for the position for which they have filed for office.

B) A warning needs to be added to the confirmation notice that informs the voter that his or her voter registration will be cancelled upon the failure to either respond to the notice or cast a vote prior to the passing of two federal elections.

C) Prior to each election, a letter must be sent to each of the political party chairs providing the dates that particular election related activities will be taking place and inviting party observers to observe such activities.

D) A public notice providing information for the date, time, and location of all logic and accuracy tests, including those for special elections, must be provided to the local media.

E) A questionnaire to cities, towns, and districts must be mailed each year prior to May 1.

Section 2

Suggestions

The following are suggestions for increasing efficiency and improving operations with the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks discussed in the section as areas of election administration in which the county auditor might improve the efficiency and operation of the office.

Suggestion 1: In addition to the sources Island County already uses to obtain the names of deceased voters, staff may also want to consider checking the obituaries in local newspapers for additional names of the deceased.

Suggestion 2: To ensure that participants of the address confidentiality program are mailed a ballot for each election, a tickler could be added to the office's election calendar.

Suggestion 3: It is suggested that mail ballot openers not be allowed to have black ink pens on the opening tables. If the openers need pens to record numbers, colored pens should be provided.

Suggestion 4: Applicable WAC citations could be provided to the Canvassing Board to support the election staff recommendations of whether to accept or reject each particular ballot.

Suggestion 5: All ballots should be scanned into the HART system, including those which the staff does not believe the system will count correctly. After scanning, the Canvassing Board can resolve any issues on screen to ensure that each ballot is counted correctly. As this is a new system, elections staff are still in a learning process and will gain more comfort with the system as time goes on.

Suggestion 6: It may be more efficient to determine which documents do not require indefinite retention and sort those from the documents that do. This would allow periodic disposal of documents whose retention requirement has expired.

Suggestion 7: The policy and procedures manual should be updated and expanded. Placement of Ballot Measures and Offices and Order of Candidate Appearance on Ballot both contain RCW 29 citations and mention rotation. Many more topics could be included in the manual to make it more complete. Some areas that are included in the current manual need more detail. For example, the section on cancellations tells how to, but not when or why. The screen shots that are included in the manual can be very useful for a person not familiar with the system.

Suggestion 8: In the instructions that are included with all absentee ballots, instruct the voter that the ballot "Must be postmarked no later than Election Day." This is the actual requirement and there is no guarantee that if a voter puts his or her ballot in the mailbox on Election Day that it will be postmarked the same day to allow the ballot to be counted.

Suggestion 9: A method should be implemented to confirm that the appropriate number of replacement and original absentee ballot were mailed out each day. The elections department

does not provide a form for either replacement ballot requests or single absentee ballot requests. The office also does not maintain any written documentation for phone requests other than the information that is entered into the computer system. If there were to be a computer glitch, there would be no back-up to indicate which voters had requested ballots to be sent to them on any particular day.

Suggestion 10: Several suggestions for the polling place are listed below:

A) Of the poll sites visited, there were no signs by the road indicating that the location was a poll site. At one site, the poll workers did drag out road signs after a voter complained about the lack of signage. Signs posted inside the poll sites were outdated and cited RCW 29 rather than RCW 29A. All signs should be updated to reflect current law, and election workers should remind poll workers to post any signs that are available at the site.

B) More consistency between the poll sites should try to be established. The workers at the poll sites used different procedures for removing ballot stubs. At two of the locations, the stubs were removed before the voter voted the ballot, and at the other two locations the stubs were removed after the voter had voted the ballot. If the Auditor chooses to have the stubs removed after voting, some kind of voting sleeves to protect voter privacy should be offered. The workers also used different procedures for verifying voter ID and for recording ballot stubs. Some precincts recorded the stub numbers in the poll books and some did not. Precinct ballot stubs were not printed with the precinct numbers on them. Some poll sites hand wrote the precinct number on them for accountability, while others did not, which would make it difficult to use the stubs when trying to reconcile if a precinct did not balance.

C) Poll workers were confused that they were not provided an inspector's book for provisional ballots. In the future, poll workers should either be provided a separate inspector's copy for provisional ballots, or it should be emphasized during poll worker training that the same inspector's book is to be used for all ballots, including provisional ballots.

D) At one poll site, a provisional ballot judge indicated that if a voter did not have identification, the voter would not be allowed to vote. Upon further questioning, the poll worker realized that her initial response was incorrect and corrected herself. The Island County Auditor should continue to emphasize the importance of never denying a voter a provisional ballot.

E) To determine the time for announcing the closing of the polls, it is suggested that rather than use the time indicated on the watch of a poll worker, that a visible clock be used when one is displayed.

F) A more detailed, procedural poll worker manual is needed to assist the poll workers on Election Day.

G) Absentee ballots in their security envelopes only were dropped into drop boxes at the poll sites. When voters are depositing absentee ballots into the drop box at the poll site, poll workers must ensure that there is an outer envelope and that the voter has signed the envelope.

Suggestion 11: Suggestions pertaining to communicating with the election department are listed below:

A) A voter completed an address change form while at the poll site but did not sign the form. A poll worker called the voter on the phone and told the voter that if he or she did not come back to sign the form, the elections department would not process it. This was false information as a change of address does not require a voter's signature. During poll worker training, it should be emphasized that election staff will handle any incomplete forms once the forms are back at the office.

B) A poll worker told a voter that particular information the voter had previously received from the Auditor's Office was incorrect and that the voter should follow the procedure the poll worker was providing, which was incorrect information. During poll worker training, it should be emphasized that poll workers should not contradict the advice given by the Auditor's Office. In addition, it should be suggested that if a poll worker questions information that a voter received from the Auditor's Office, the poll worker should call the office and clarify the information with an election staff person.

C) There appeared to be a lack of coordination between the election department and the poll workers when it was time to return the ballots at the end of Election Night. The poll workers could not reach election department staff because the phone number provided was the main office line and no one was answering that phone line. The correct phone number should be provided to poll workers and the main line should be answered on Election Night.

D) One other area of miscommunication was with regards to reconciling ballots at the poll site on Election Night. The poll workers separated the ballots by precinct, counted the ballots, and compared the count of ballots to the count of signatures in each precinct's poll book to ensure that each precinct was balanced. Later, election department staff indicated that they did not wish for the poll workers to reconcile to the precinct level. Instead, staff indicated that the poll workers should count the total number of ballots voted and compare that number to all of the signatures from all poll books to make sure that the overall numbers matched. If this is the practice the office wants to use, it should be emphasized in training. However, this reviewer suggests that the procedure the poll workers used to reconcile to the precinct level be implemented into the policies and procedures manual.

Suggestion 12: During a meeting of the County Canvassing Board, a provisional ballot was considered that had been cast on Election Day. The election worker in the Auditor's Office discovered that the voter had already been credited as having returned an absentee ballot. One of the members of the Canvassing Board questioned office staff as to whether the absentee envelope was located. The Auditor pointed out that, because scanners are used to read voter data from absentee ballot envelopes, the envelope had to have been received in order for the voter to have been credited and that, if there had been a problem with a mismatched signature, a missing signature, or a late postmark, the voter would not have been credited, and the absentee envelope would be in one of the groups of "problem" ballots, which it was not. The Canvassing Board member seemed to be satisfied with this explanation. It is suggested that upon discovering that a voter has already returned a ballot, elections staff should locate the first ballot envelope received to ensure that a mistake has not been made in the voter crediting or signature verification process. Since the absentee envelopes are retained in boxes according to batch number, the process of locating a particular envelope should be a simple process.

Section 3

County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Island County Canvassing Board in July 2006. In accordance with WAC 434-260-145, Island County was provided a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Island County Canvassing Board provided the following response to the draft review report. The signed original of their response is on file in the Office of the Secretary of State.



Suzanne Sinclair, C.P.A.
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Island County Auditor

August 11, 2006

Amber Cervantes
Office of the Secretary of State
Certification and Training Program
P.O. Box 40220
Olympia, WA 98265

Dear Amber:

Thank you for reviewing our election of May 16, 2006. We welcome the opportunity for improvement that these reviews provide.

We have read the Preliminary Report of the Secretary of State, and have provided our responses as to how we will address the recommendations and suggestions.

Thank you for the kind comments about the staff teamwork. The elections staff consistently maintains a positive attitude toward their work. Island County is fortunate to have them.

Please let us know if you have any questions.

Yours truly,

A handwritten signature in blue ink that reads "Suzanne Sinclair".

Suzanne Sinclair
Auditor

A handwritten signature in black ink that reads "William L. McDowell".

William L. McDowell
Chair, Board of County Commissioners

A handwritten signature in black ink that reads "Greg Banks".

Greg Banks
Prosecuting Attorney



Suzanne Sinclair, C.P.A.
Post Office Box 5000
Coupeville, WA 98239

Island County Auditor

Response to Secretary of State Report of Review of May 16th Election in Island County

Section 1 – Overview and Recommendations

1. Developing an updated and comprehensive poll worker manual:
2. Retention of Inner Security Envelopes: We have implemented the retention of these envelopes with other election materials.
3. Precinct Boundaries: We will address the Swantown precinct change at the earliest opportunity, but that will be after this fall's election cycle. We will review our precinct boundaries for changes that should be made.
4. Absentee Ballot Materials: The statement on the voter instructions has been changed to the required language explaining the qualifications necessary for eligibility to vote in any given election.
5. Logic and Accuracy Testing: We believe that our L&A testing was adequate for the May election, however we have changed the procedure whereby we create a test deck and conduct the L&A test to comply with the OSOS recommendation.
6. Canvassing Board procedures: In the May election, the Canvassing Board encountered a situation related to whether or not a ballot should be counted. This was a situation not anticipated by the Canvassing Board procedures manual, and the Canvassing Board will consider revising the manual.
7. Ensuring a voter did not vote twice: I would re-phrase this as "ensuring a voter's record was properly credited." The question was whether or not the voter's record was properly credited by a previous ballot envelope and therefore the ballot in front of the Canvassing Board was truly a second ballot, not an only ballot. Because of the nature of the checking in process for absentee ballots, we do feel confident that our records are accurate. Nonetheless, we have added a procedure that will present such ballots with the envelope that was checked in for the voter in order to demonstrate the accuracy to the Canvassing Board.
8. Ballot Security: The OSOS recommendations fall into two general categories – securing of the ballots themselves and internal control for the processing of ballots. We have already taken steps to provide storage for ballots that will enable us to detect inappropriate access, and to secure the MBB for the HART system. We have implemented procedures to insure that there will always be two people present when processing ballots. While we do not argue the change in procedure, the change will cause frequent interruptions and delay as one person must leave to assist a customer at the counter.
9. Application Forms: We have changed our forms to comply with this recommendation.
10. Poll Sites:
 - a. We have changed the voting instructions sign to 16 point font as recommended.
 - b. We will review all of our polling places for ADA compliance.

- c. We can supply a notice to voters informing them of the way to find out about the disposition of their provisional ballot.
- d. We will provide polling places with separate containers for ballots.
- e. We will provide additional training and instruction to our poll workers regarding identification, posting HAVA notices, and the handling of ballots at the close of the polls.

11. Various Notices:

- a. We will notify candidates in writing when there will be no primary rather than just verbally.
- b. We already send a photocopy of their voter registration application and a letter to a person who has failed to sign their original voter registration form.
- c. We will request the addition of such a warning to be printed onto our current stock of cards as well as any ordered in the future.
- d. We already gave this notification for partisan elections, but we will revise our procedures to include all elections.
- e. We already give public notice for partisan elections, but we will revise our procedures to include all elections.
- f. We already mail this questionnaire to cities, towns, and districts in odd years, but we will revise our procedures to do this annually.

Section 2 – Suggestions

- 1. Check obituaries in local papers: We have implemented this suggestion.
- 2. A tickler in the election calendar for ACP voters: We have implemented this procedure.
- 3. No black pens on tables with ballots: We have implemented this procedure.
- 4. Supply applicable WAC citations to support staff recommendations for acceptance or rejection: We will implement this procedure in the coming election.
- 5. Scan all ballots into HART system, even those we believe will not be read correctly: We will implement this procedure in the coming election.
- 6. Evaluate and update record retention system: We will review our records management in elections concurrently with this election.
- 7. Update and expand policy and procedures manual: This was already under way at the time of the review. The draft will be reviewed and revised where needed to incorporate items from this review.
- 8. Change mailing instructions to absentee voters: We have implemented this recommendation.
- 9. Method to confirm timely mailing of ballot requests: We will revise our procedures to provide this documentation.
- 10. Polling place suggestions: We will be incorporating these suggestions into our board worker training classes and instructions. Many of them are included in the training and documentation already, however board workers do not always refer to these materials. We will step up our efforts to have them refer to documentation rather than relying on their memory.
- 11. Polling place communication: We will work on the communication. Phone numbers are provided to our board workers, so we cannot account for why some board workers did not have them, but we will address this in training.

Section 4

Conclusion

Island County election staff displayed tremendous support for the election process and for one another. Staff was conscientious and dedicated to maintaining the integrity of the elections process.

This is a difficult task with such limited staff. In order to ensure that all facets of the election process are able to be completed with the appropriate security standards, Island County needs additional election staff during peak election times.

There are several areas that can be improved with regards to the poll sites on Election Day.

This reviewer has made a series of recommendations and suggestions for consideration by the Island County Auditor and the County Canvassing Board. These are meant to enhance and improve Island County's procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

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August 29, 2006

Date

Signature